

**REMARKS**

Claims 1-34 are pending in the present application. Claims 1 and 30 are independent claims. No claims are amended, added, or canceled by this Response.

**Claim Rejections**

Claims 1-8, 10-22 and 30-34 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamazaki et al. (U.S. Pub. No. 2003/0004696, herein Yamazaki) in view of Ertel (U.S. Pat. No. 5,307,262, herein Ertel). Claim 9 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamazaki in view of Ertel and further in view of Markham et al. (U.S. Pub. No. 2006/0149407). Claims 23-29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamazaki in view of Ertel and further in view of Berger et al. (US 2001/0043882).

Yamazaki discloses at paragraph [0039] “in the chemical model storage part 4, a chemical model is determined from all the chemical reactions which could be induced by the input chemical species, and all the chemical substances including intermediates resulting therefrom.” Yamazaki further discloses at paragraph [0040] the chemical model physical property data storage part 5 supplies basic conditions to the chemical model extracted, generates thermodynamic property data for the chemical model required to calculate characteristic values, equilibrium conditions and chemical components in the system (step S3), and stores this data (step S4).” Yamazaki discloses at paragraph [0041] “based on the thermodynamic property data, the chemical equilibrium determining part 6 calculates characteristic values, determines equilibrium conditions and determines the chemical composition of the reaction system.”

Therefore, the characteristic values, equilibrium conditions, and chemical composition of the reaction system are representative of the whole of the reaction system, and are not associated

with specific individual sub-processes of an overall analysis process. To the contrary, Yamazaki merely discloses at paragraph [0043] “the analysis results for characteristic values, equilibrium conditions and chemical composition of the reaction system are transferred to the spreadsheet software 1 via an add-in software 8,” and does not disclose that the characteristic values and equilibrium conditions characterize specific sub-processes of the overall reaction system.

Applicant’s claim 1 discloses *inter alia* “representing at least a part of the chain of the analysis process by specifying one of the basic sub-processes, per sub-processes of the part of the chain, using at least one control parameter and at least one associated threshold value.” Therefore each of the basic sub-processes for the quality control may be characterized by at least one control parameter and by at least one threshold value in association with the control parameter. Accordingly, it may be possible for example embodiments described in Applicant’s specification to know what specific sub-processes of the analysis process may be causing an error. Yamazaki does not allow for identifying a specific sub-process which may be causing an error because Yamazaki does not disclose sub-processes specified by a control parameter and an associated threshold value. In particular, as noted above, Yamazaki merely computes characteristic values and equilibrium conditions for the overall simulation process without associating the values and conditions with particular sub-processes. Accordingly, Yamazaki fails to disclose “representing at least a part of the chain of the analysis process by specifying one of the basic sub-processes, per sub-processes of the part of the chain, using at least one control parameter and at least one associated threshold value” as required by claim 1.

Accordingly, Applicant respectfully submits that claim 1 is patentable for at least the above reasons. Further, Applicant respectfully submits that claim 30 contains features somewhat similar to those discussed above in regards to claim 1 and is therefore patentable for at least somewhat similar reasons as claim 1. Applicant also respectfully submits that claims 2-29 and

31-34, which depend from one of claims 1 and 30, are patentable for at least the same reasons discussed above in regards to claims 1 and 30 as well as on their own merits.

Further, the Examiner already admits that Yamazaki fails to disclose all of the features of independent claims 1 and 30. For example, the Examiner admits Yamazaki fails to disclose “comparing the measurement values with the associated threshold values for the quality control in a chronological order of the occurrence of the sub-processes in the part of the chain in the course of the analysis process” as required by claim 1. Instead, the Examiner relies on Ertel as disclosing these features.

However, Ertel discloses “after all data corrections have been made for a group of cases, a second data quality profile report is generated to document the extent to which the quality of patient data has improved.”<sup>1</sup> Therefore, Ertel does not disclose “comparing...in chronological order...**in the course of the analysis process**” as required by claim 1. To the contrary, Ertel “compares” after all data corrections have been made for a group of cases. Accordingly, Ertel fails to cure the deficiencies of Yamazaki noted above as admitted by the Examiner.

Further, Applicant respectfully submits that one skilled in the art would not look to combine Yamazaki with Ertel. Yamazaki is directed to a method of analyzing chemical processes.<sup>2</sup> Ertel, however, is directed to a method and system to review and control clinical data quality in the reporting of hospital claims data.<sup>3</sup> In particular, Ertel discloses “patient data, consisting of diagnosis and procedure codes plus certain personal attributes such as age and gender, are processed through a series of data check subroutines to assess the quality of the reported data.”<sup>4</sup> Therefore, Ertel is directed to reviewing data quality, not quality control for an **analysis process**. In particular, Ertel never carries out any quality control for an analysis

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<sup>1</sup> Ertel at Col. 35, Ll. 50-53.

<sup>2</sup> See Yamazaki at Abstract.

<sup>3</sup> See Ertel at Abstract.

process; instead Ertel merely identifies problems in data quality and is unconcerned with analyzing any process.<sup>5</sup> Ertel does not even disclose a model including all of the reactions that an input species could induce, and all the substances including intermediates resulting therefrom as found in Yamazaki.<sup>6</sup> Accordingly, the skilled artisan would not look to combine Yamazaki, which is directed to a method of analyzing chemical processes, with the data quality review of Ertel. Accordingly, Applicant respectfully submits that claims 1-34 are patentable for at least the above reasons.

Further, Applicant respectfully submits that even assuming for the sake of argument Yamazaki and Berger and/or Markham are combinable (which Applicant does not admit), Berger and Markham fail to cure the deficiencies of Yamazaki discussed above.

In view of the above, Applicant respectfully requests the rejections under 35 U.S.C. § 102(a) and 35 U.S.C. § 103(a) be withdrawn.

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<sup>4</sup> *Id.* at Col. 26, Ll. 61-65.

<sup>5</sup> *See Id.* at Col. 5, Ll. 35-39.

<sup>6</sup> *See Yamazaki* at paragraph [0030].

**CONCLUSION**

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of the claims in connection with the present application is earnestly solicited.


Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Donald J. Daley at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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By

  
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